

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JULY 21, 2005, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:10 p.m.

Commission

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| Members Present: | Walter Baade | Pat Haukohl | Walter Kolb |
| | Ellen Gennrich | Gary Goodchild | Mareth Kipp – Left meeting at 1:30 p.m. |

Commission

Members Absent: Betty Willert

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
Attorney Deborah Price, Waukesha County Corporation Counsel
Elfriede Sprague, Clerk III
Kathy Moore, Senior Planner
Dale Shaver, Parks Director

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| Guests Present: | Ron Gasser | Gayle Schmitt | Michael Haase |
| | Brian Turk | Gary Etzel | Atty. Rebecca Roeker |
| | Julie Burris | Mark Weiss | |

MEETING APPROVALS

The Statewide Schedule of Public Hearings for NR 115 Rules was distributed to the Commission. The question arose why the Commission needed to approve the hearing dates? Mrs. Haukohl replied the meetings were educational and approval was necessary to submit an expense voucher.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, to allow the Commission members to attend a hearing of their choice and submit an expense account for the cost of attendance.

Mr. Mace explained the WCCA Fall Conference 2005 would be held at the Best Western Hotel in Waupaca, WI, on October 19, 20 and 21, 2005 and for registration forms go to www.wccadm.com.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, to allow the Commission to submit an expense account for the cost of attending the conference

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

• **Review future Commission meeting dates**

After a brief discussion, it was agreed not to make any changes to the current schedule of dates.

• **SZ-1527 (Waukesha County Department of Parks and Land Use) Town of Brookfield, Section 29 (Floodplain amendments to various reaches of Deer Creek, Poplar Creek and the Fox River)**

Mr. Mace presented the “Staff Report and Recommendation” dated July 21, 2005, and made a part of these Minutes.

Mr. Mace presented the floodplain map and said it was an overall detail of the floodplain as now identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), updated by them and an engineering firm. He identified the legend colors and commented there is a decrease in the overall floodplain area. When approved by FEMA the map will become the FEMA Flood Insurance Rate Map and will be utilized for future land use regulatory purposes in the Shoreland and Floodplain areas for the Town of Brookfield. This amendment was done pursuant to an agreement between the City of Brookfield and SEWRPC for a floodland management study in the City of Brookfield. The Ordinance amendment being dealt with today, only applies to the area in the Town of Brookfield. The map was based on our Digital Terrain Model (DTM) for the 2000 aerial topographical photographs.

Mr. Mace explained one lot was adjusted because of detailed information supplied by the property owner on Black Forest Drive. When he built his home, he did grading after the 2000 DTML was created. He has supplied data and demonstrated that his property is not affected by the 100-year flood event. The data was analyzed by SEWRPC and a revision to the boundary has been made on the large-scale topography map for that area in Section 29. Mr. Mace explained the map presented to the Commission was a large-scale map showing the zoning districts, as they would apply in the Town.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Kipp and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **1:15 p.m. SCU-1353 and SZT-1505 (Tom McAdams/Eagle’s Preserve) Town of Eagle, Section 26**

Mr. Mace presented the “Staff Memorandum” dated July 21, 2005, and made a part of these Minutes. He pointed out the location of the properties in the Town of Eagle on the aerial photograph and indicated the matter is before the Commission for reconsideration of Conditions 4, 6 and 7 of the June 16, 2005 meeting.

Mrs. Moore explained that a Revised Master Grading Plan has been presented to the Staff for Lots 9, 10 and 11 of Eagles’ Preserve; however, it does not comply with the conditions of the June 16, 2005 approval. She needed to discuss the changes with the Commission to reach an approval. Mrs. Kipp left the meeting for another meeting.

Mrs. Moore outlined the proposal for Lot 9 which now places his house significantly forward on the lot and offsets the garage to fit into the building triangle. This gives him enough of a grade difference to allow a fully exposed basement. He plans to construct a ramp down and outside of the offset and buffer to reach the lower level. He will not disturb the buffer as his septic system is outside of it. This proposal fits well on the natural terrain.

Mrs. Moore explained the proposal for Lot 10 gives him a lower level exposure with a door outside of the buffer area; however, the water from his lot appears to drain onto Lot 9, a Restoration Plan has not been received nor have the stockpiles of dirt been removed from the buffer area. Mr. Gary Etzel, Stonebrook Homes, the builder for Lot 9, stepped forward and said that any drainage from Lot 10 would not be a concern to Lot 9, as a natural kettle was there.

Mr. Mace distributed photographs of Lot 10 and pointed out the buffer area, which has a no disturbance restriction and the stockpiles of dirt impacting said buffer area. Mrs. Gennrich asked what was the grade at the critical species area? Mrs. Moore replied it was higher than the level Mr. Weiss wanted to dig out. The door would be about three (3) feet below it and she was worried about drainage issues. Mrs. Gennrich asked about the septic system in the buffer area? Mr. Weiss replied the map he was given was hand drawn and not detailed with the buffer area on it. This map was then submitted to the Environmental Health Division (EHD). The Commission, at the previous meeting, had allowed the septic system to remain in the buffer and he now has an alternate site to the east of the house. He has not moved the stockpiles of dirt yet because he would like to save a small area for a walkout basement and will move them when a plan is finalized. He has redesigned the roof to have larger gutters and downspouts, which he claims will drain the water away from the back of the house. Mrs. Gennrich asked who approves the house plans when applying for a permit? Mrs. Moore replied the Staff does. Mrs. Gennrich asked if we had approved his plans? Mrs. Moore replied, "Yes", however we were not presented a Grading Plan, which would have affected the approval. Mrs. Kipp returned.

Mr. Kolb commented the main issues on Lot 10 appeared to be the walkout door and if there was enough of a drop for drainage. Ms. Burris, RSV Engineering, replied and explained the proposed retaining wall would be four (4) feet from the house, tapering to one (1) foot and would provide drainage away from the property. The plans look deceptive; however, the water would continue to drain to the south away from all three lots. Mr. Mace asked if it was necessary for Mr. Weiss to have a sump pump at the back patio area? Ms. Burris explained if the concrete installer pitches the patio 4" to the east, there should not be a problem and a sump pump would not be necessary.

Mr. Kolb, Mr. Goodchild and Mrs. Haukohl felt there should be a date set for Mr. Weiss's Restoration Plan. Mr. Weiss replied that he was comfortable with setting a date and would start immediately upon receiving approval of the new plans.

Mrs. Moore said that Lot 11 needed to know where to place his septic system. Per the Environmental Health Division, it needs to be in the back. He is proposing to have a partial exposure with a door, which would drain to the sump pump; however, the outlet is not identified on the Plan and it appears that the drainage runs east to west into the exposure. This proposal routes the drainage over the septic system. Per the Environmental Health Division, this would have an impact in frozen ground conditions. The water needs to be routed away from the house.

Julie Burris indicated that she just received the soil test results for Lot 11 from Hilmer Engineering, and would now be able to locate the septic system outside of the buffer area, if the house were rotated. Mr. Mace asked if there was a Plan showing the proposed location? Ms. Burris replied, "No". She explained that everything south of the lots was a big ravine and labeled drainage easement on the Final Plat. This is where the water has always naturally drained and everything should be routed to go that way. Lot 10's drainage is routed that way; however, there is a natural drainage swale, which will take it to the drainage easement south of the lots. Mrs. Moore and Mr. Mace felt the drainage plan for the lower level door would create problems in the future. Mr. Kolb suggested a gravity drain and Ms. Burris replied it would be a solution.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, of the Revised Master Grading Plan and to amend the conditions of the June 16, 2005 approval, subject to the following conditions:

- 1. Lot 9 is approved as shown on the Revised Master Grading Plan reviewed on this date.*
- 2. Lot 11 is approved with revisions to the Master Grading Plan with the house being rotated and the septic system being approved by the Environmental Health Division. A door be allowed on the southwest corner of the house as long as there is a gravity tile drainage system at the small patio.*
- 3. The Master Grading Plan is approved for Lot 10 subject to the following conditions:*
 - a. The initial septic system is allowed in the vegetative buffer area.*
 - b. A partial exposure with a patio be allowed as long as the surface area adjacent to the exposure be pitched towards the southeast for overland flow of the surface water.*
 - c. The Environmental Health Division must approve any proposed grading east of the residence in the alternate septic site location.*
 - d. A Restoration Plan detailing grades and vegetation for the buffer must be submitted to the Waukesha County Planning and Zoning Division by August 10, 2005 and all fill and stockpiled materials must be removed from the vegetative buffer area and the area restored in accordance with the approved plan by September 15, 2005.*

The approval of this request, will allow the petitioners a reasonable use of their land and still promote and meet the intent and purposes of all County.

• 1:30 p.m. CS-962 (Gayle Schmitt) Town of Vernon, Section 14

The property is located on the north side of Edgewood Ave., approximately ¾ mile west of S.T.H. 164 in the SW ¼ of Section 4 in the Town of Vernon. The petitioner requests approval for the creation of a "flag" lot (lot not abutting a public road). The matter was tabled from the June 16, 2005, meeting.

Asst. Corporation Council Deborah Price, distributed a memo to the Commission and petitioners and explained her role was to help clarify some of the issues and conditions involved and to confirm the Planning and Zoning Division Staffs' observations. She explained one issue was the Zoning Ordinance has a provision about placing building envelopes when the parcel lies partially within and partially outside of the Primary Environmental Corridor. From her perspective, the Ordinance does allow the Commission to place building envelopes in the Environmental Corridor; however, the Ordinance says, "unless otherwise permitted by a building envelope on a Certified Survey Map, Subdivision Plat or other documents". She interprets the Ordinance to allow a building envelope in the Primary Environmental Corridor only if it is on an already recorded Certified Survey Map, Subdivision Plat or document and this is not yet an approved Certified Survey Map. She felt the intent of the Ordinance was preservation of the natural qualities in an Environmental Corridor District. The Town has already approved the Certified Survey Map and now it is up to the Commission to decide if the lot should be approved with a building envelope in the Environmental Corridor. Mr. Goodchild commented that he did not interpret the Ordinance in the same manner as Atty. Price.

Atty. Price commented on the USDA soil maps, which the Planning and Zoning Division Staff use to assist in deciding whether or not a building should be allowed in AG soils. She said Ms. Schmitt disagrees with the Staff's decision, so it is up to the Commission to look at the evidence regarding soils. The Commission requires proof regarding soils, not just the landowner saying the soils are not Class I and II. Ms. Schmitt needs to have soil tests done so there is a basis for making a decision regarding the

soils. Mrs. Kipp asked how current were the soil maps? Mr. Mace replied the original work was done in the late 1950's or early 1960's. There would not be any change unless there was some man made activity to alter the soils. Atty. Roeker commented that SEWRPC does update the maps also and that John McDougall of SEWRPC said the property was not deemed prime farm AG, but cropland. Mrs. Kipp asked how SEWRPC made the determination? Mrs. Schmitt replied it was based on the amount of acreage actually being farmed, surrounding farmland, aerial photos and other items. Mr. Mace commented that the only way SEWRPC could make that determination was to have the Natural Resources Conservation Service (NRCS) do soil tests. Whether it is prime or non-prime can only be determined by the NRCS. Atty Roeker said Ms. Schmitt is unable to get a report stating they are not. She has contacted soil testers, and they will not do the test because of the layout of the land. At the Town Plan Commission meeting, when they approved the map, Randy Craig, farmer, Director of the Farm Credit Services and a member of the Farm Bureau said that these were not Class I and II soils. Robert Bartholomew, a member of the Town Plan Commission set forth a statement indicating that these were not Class I and II soils. Mr. Mace again asked if the soils had been tested by NRCS? Atty. Roeker replied, "No". Mr. Mace said, "Ms. Schmitt needs to have NRCS test the soils to determine the correct type".

Mrs. Gennrich asked why Ms. Schmitt rejected the Staff's suggestion of a rezone? Atty. Roeker replied that the Planning and Zoning Division Staff said they would support a rezone, but with a follow-up telephone conversation she was told by Staff it probably would not be approved. Ms. Schmitt has been working for four years to get approval and claims she has done everything the Staff has suggested and never before have any of these issues arisen. Mrs. Haukohl asked why was the request denied before?

Brian Turk, Town of Vernon Planner replied, "We did not have sufficient site lines under actuarial standards that were in effect at the time. The actuarial standards for site distance changed in the proceeding times, and they now meet the current standards." Mrs. Gennrich asked if the power line was always there? Mr. Turk replied, "Yes". Mrs. Gennrich and Mrs. Kipp asked why would changing the zoning make the parcel more dividable? Mr. Mace replied it would change the open farm field area from RRD-5 to A-5 and the soil types would not be an issue as they are in the present zoning category. Atty. Roeker felt the property met the RRD-5 requirement of not being contiguous to other prime farmland on adjacent parcels, which would meet the 20-acre minimum size. Ms. Schmitt does not believe the soils were Class I and II; therefore she does not want to pursue a rezone. Mr. Mace reiterated that Ms. Schmitt has not proven they are not Class I and II.

Mrs. Haukohl asked about other soils on the property? Mrs. Moore suggested two building envelopes on Lot 1 and 2, which would be on Hochheim soils. Ms. Schmitt interjected the building envelopes would be too close to the power lines. Mrs. Haukohl commented that in the Town Plan Commission minutes they recommend the division of the two parcels; however, do not deal with the building envelope placement in the Environmental Corridor. The issue has been sent to the Park and Planning Commission to work out. The condition was never placed in their minutes. Ms. Schmitt replied that Mrs. Moore placed the building envelopes in the Environmental Corridor some time ago. Mrs. Haukohl replied the building envelopes were placed there prior to being aware of the Environmental Corridor issue, only allowing placement on an existing Certified Survey Map. Atty. Roeker claimed the Environmental Corridor issue was just raised this April. The provisions were always present, but just now cited. Mr. Turk presented a map generated by the County GIS system identifying the area as prime only if drained and identified it as undrained. Mrs. Haukohl noted the Staff Recommendation stated the areas are hydric, therefore limiting where a building envelope could be placed.

Mr. Kolb asked how close were the building envelopes to the high voltage wires? Ms. Schmitt replied that the power lines run from the northwest side and angle to the southeast side. There is a tower on the most westerly piece, which makes it undesirable farmland because it is difficult to maneuver large machinery around it. The Town approved the building envelope in the Environmental Corridor because otherwise it would be too close to the power lines and undesirable. The woods would provide some shielding from the power lines.

Mr. Kolb asked if placing the building envelope in the Environmental Corridor was more desirable than where currently suggested? Atty. Roeker replied it was definitely more desirable. Mr. Kolb thought under these circumstances it should be allowed in the Environmental Corridor, as the lots should be created with desirability. Mrs. Kipp commented that we need to follow the statutes. Atty Roeker cited the Ordinance and said allowing the building envelope in the Environmental Corridor was not a violation. She disagreed with Atty. Price's interpretation of the statement "unless otherwise permitted by a building envelope on a Certified Survey Map, Subdivision Plat or other documents." She felt an existing document is not necessary. This was a unique parcel, and it would be better to build in the Environmental Corridor.

Mrs. Haukohl commented the Commission needs to follow the rules and should not make exceptions to make lots more desirable. The Commission needs to have a consistent policy and if necessary the petitioner can then apply for a variance. Mrs. Roeker replied her interpretation of the Ordinance allowed the Commission the right to make the exception. In reviewing Ms. Schmitt's request, the power lines and the placement of the building envelope are a major consideration.

Mrs. Kipp asked how far was it from the beginning of the Environmental Corridor to the house? Atty. Roeker presented photographs taken from SEWRPC and commented she felt the Environment Corridor line on the Certified Survey Map was not accurate. The building envelope on the map appeared to be in the center of the Environmental Corridor. Ms. Schmitt interjected that her "boring site is six feet within the Environmental Corridor, so the building site is just a few steps into the woods". She believes the Environmental Corridor line is inaccurate on the survey. The building site would not remove anything more than some small trees and would not be in the middle of the larger woods. If she were a buyer, she would rather be in the woods than by the high power lines. Also, it would be consistent with the neighboring homes. Mrs. Gennrich replied those homes were constructed before we had Environmental Corridor restrictions. Mr. Mace measured the distance to the Environmental Corridor on the GIS map and felt the distance was accurate.

After discussion, Mr. Kolb moved to approve the building envelope, as it currently exists on the proposed Certified Survey Map. The motion failed due to lack of a second.

Mrs. Haukohl felt the main concern was placement of the building envelope and that it was not up to the Commission to tell Ms. Schmitt where to place the building envelope, as long as it remains out of the Environmental Corridor based on the Zoning Code requirements. Mrs. Gennrich commented that with the hydric soils there might not be a building envelope available. Ms. Schmitt commented that the non-hydric soils were under a power line and building under it was not allowed. Mrs. Moore reminded the Commission the issue was approving a lot not abutting a public road. In the Staff's review, it is not appropriate or proper for the reasons stated in the Staff's Recommendation. Mr. Goodchild commented that even if the Commission approved the land split, it might not be a buildable parcel. Mrs. Moore said if the Commission approves the lot, they are allowing the building envelope in the Environmental Corridor, which is contrary to the Ordinance. Ms. Schmitt replied that even though the building envelope is on the proposed Certified Survey Map, it is not mandatory for the buyer to build there. She told the Commission they have "taken away the landowners right to highest and best use".

Mr. Shaver, Park Director, addressed the petitioner and the Commission and commented that in general, the soils on the site are poor and explained that in the 1990's, the County Development Plan did not differentiate whether the soils were drained or not drained. He felt there were areas on the sites that would be buildable keeping to the County Code's mandatory one-foot separation between the lowest portion of the dwelling and the ground water. The boundaries of the Environmental Corridor would need to be validated and the lots could be created with conditions placed on them. This would allow the buyer the ability to apply for a Zoning Permit and develop a workable plan for his home.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval of "a lot not abutting a public road", subject to the following condition:

- 1. A statement be placed on the face of the Certified Survey Map stating "No building or earth-altering activities occur in the Primary Environmental Corridor as delineated by the Southeastern Wisconsin Regional Planning Commission". The Environmental Corridor shall be delineated and noted on the face of the Certified Survey Map prior to the County signing the Final Certified Survey Map.***

The approval of this request, will allow the petitioner a reasonable use of her land and still promote and meet the intent and purposes of all County Ordinances.

CZ-1573 (Ronald Gasser) Town of Vernon, Section 1 (Rezone from the A-5 Mini Farm District to the B-2 Local Business and B-3 General Business Districts)

Mr. Mace presented the "Staff Report and Recommendation" dated July 21, 2005, and made a part of these Minutes. He pointed out the location of the property located on the southwest corner of C.T.H. "ES", Crowbar Road and north of I-43 in the Town of Vernon.

Mrs. Moore explained the Town of Vernon places Mr. Gasser's property in a commercial category; however, because the property is a mile and a half from the Village of Big Bend, there are extraterritorial issues. The Village of Big Bend has now written a letter saying Mr. Gasser's proposal is consistent with their Master Plan and accordingly is consistent with the Waukesha County Development Plan. Mr. Gasser has a business and two residences on the property, thereby requiring two different zoning categories; otherwise the residences would have to be occupied by someone associated with the business, which he does not want. Mrs. Gennrich asked if the Staff was okay with the spot zoning? Mrs. Moore replied it was consistent with the County Development Plan. Mrs. Kipp asked about salt storage on the property? Mrs. Moore replied salt storage is not an issue for this request; however, Mr. Gasser may pursue it in the future.

After discussion, Mrs. Gennrich moved, seconded by Mr. Goodchild and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

CU-1274T (Ronald Gasser) Town of Vernon, Section 1

Mr. Mace presented the "Staff Report and Recommendation" dated July 21, 2005, and made a part of these Minutes. He noted this matter was for the same property as the previous rezone request (CZ-1573).

Mrs. Moore stated the petitioner is requesting to terminate CU-1274 for his business, which was limited by a number of conditions. To expand his business he needs a new Conditional Use.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.

• **CU-1274A (Ronald Gasser) Town of Vernon, Section 1**

Mr. Mace presented the “Staff Report and Recommendation” dated July 21, 2005, and made a part of these Minutes and noted this issue was for the same property as noted above (CZ-1573 and CU-1274T). This request is for a Conditional Use to expand his landscaping business to include retail sales and the filling and grading of the subject property.

Mrs. Moore explained the first part of the Conditional Use was for filling and grading. Mr. Gasser has an approved Stormwater and Erosion Control Plan from the Land Resources Division and has his permit. Mrs. Haukohl questioned the salt dome on the plan? Mrs. Moore replied it was for future placement and not included with this request. Mr. Gasser explained the 50 feet right of way dedication for the expansion of C.T.H. “ES”. His current access needs to be moved and it will line up with the drive across the street. To expedite matters he will quit claim the area to the Waukesha County Department of Public Works. Mr. Gasser said he has talked to Peter Chladil, of the Waukesha County Department of Public Works, regarding keeping his access open for the next two (2) years while he is grading and filling. Mr. Chadil said it was acceptable as long as he had Town Board and Waukesha County Park and Planning Commission approvals. Mrs. Moore replied it was conditioned in the Town Staff Report. Mr. Gasser wished to clarify the Staff Report and commented that the fill would be compacted and leveled on a weekly basis.

Mrs. Moore said the second part of the Conditional Use was for the landscaping business. The Site Plan and Plan of Operation approval is not part of the Conditional Use at this time. Mrs. Gennrich and Mrs. Haukohl questioned Page 5, C, requiring landscaping only on the west line. Mrs. Moore replied the Town of Vernon has not addressed the landscaping on the other sides of his property and the Commission needs to clarify the Landscaping Plan. Mrs. Haukohl commented she would like to see some landscaping along “I-43”. Mr. Gasser replied there would not be a lot of berming in that area as he is counting on his business being viewed from the highway. “His neatly kept yard will act as advertising”. On the National Avenue side, the existing plant material will prohibit seeing any equipment or product. His business is not readily seen from the east, as Crowbar Road blocks it. Mrs. Gennrich asked the purpose of the shared driveway easement? Mr. Gasser replied with the road expansion he will be eliminating the farm access road and sharing a driveway with his uncle.

After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the deletion of Condition No. 6c and a modification to Condition No. 6a, which shall now state:

- a. The Landscaping Plan must be approved by the Waukesha County Planning and Zoning Division Staff and shall include screening on the north and west side of the lot, the exact type of plant materials, spacing, timetable for installation, and the size of the plant material shall be in accordance with the Conditional Use provisions of the Waukesha County Zoning Code.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-1403 (Michael Haase) Town of Oconomowoc, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated July 21, 2005, and made a part of these Minutes. He pointed out the location of the property at W342 N7071 Northern Lights Drive in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting an after-the-fact Conditional Use approval for earth-altering activities in association with the construction of his home.

Mr. Haase identified his residence on the GIS map and explained at the time of doing the grading, he was not aware he needed a Conditional Use Permit. The grading he did do, brought him up to grade and the runoff from his lot now flows north and south. Mr. Haase presented copies of his Grading Plan, with pre-existing and existing grades. He claimed the problem originated with the developer grading the lot into a one-acre parcel and then changing the lot size to two acres. Mrs. Haukohl asked Mr. Haase if he would be able to stabilize the site with vegetation by September 1st? Mr. Haase replied it would be “very close”, as the Town was late getting their approval to the Planning and Zoning Division Staff. The Commission asked if Mr. Haase would have a problem with a date of October 1, 2005 for restoration? He replied he could comply with that date.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a modification to Condition No. 3, which will now state:

3. *The entire project, including stabilizing the site with vegetation, shall be completed no later than October 1, 2005, unless mutually extended by the Town of Oconomowoc Plan Commission and the Waukesha County Department of Parks and Land Use Staff, prior to the above expiration date.*

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Kipp moved, seconded by Mr. Goodchild to adjourn at 4:15 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:es

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